

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 75809

Jeffrey Scott Elmore
7917 Shore Road
Baltimore MD 21222

4225 Kenwood Avenue

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on June 2, 2010, for a Hearing on a citation for violations of the Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1D, failure to eliminate open dump conditions on residential property zoned DR 5.5 known as 4225 Kenwood Avenue, 21206.

On May 14, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Jason Seidelman issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,000.00 (one thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on April 15, 2010 for removal of open dump/junk yard from this residential investment property. This Citation was issued on May 14, 2010.

B. Photographs in the file show abandoned furniture, rugs, and other household items and trash piled outside. Notes in the file by Inspector Seidelman state that Respondent acknowledged the problem in April 2010, said unknown persons had dumped the items in the yard, and said it would be cleaned up the next weekend. Notes in the file by Inspector Seidelman further state that some of the junk and trash was removed, but a substantial amount remains on the property. Re-inspection on June 1, 2010 found multiple piles of junk and debris still in the yard including rolled rugs and upholstered furniture, and a bad smell.

C. Despite having actual notice of the code violations in April 2010, Respondent has failed to correct the violations. This Citation will be enforced, and if the violations are not corrected within the time provided below, the County will be authorized to clean up the premises at Respondent's expense.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that after June 21, 2010, the County may enter the property for the purpose of removing all junk, trash, debris, and garbage, at the expense of the property owner.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

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IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 11th day of June 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

MZF/jaf